

## Section 15.720 Fencing Standards

Permit Fee: \$40.00

1. **Purpose:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
2. **Applicability:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.

3. **Standards:** ***DIGGER'S HOTLINE 1-800-242-8511 or 811***

### **A. Materials:**

1. **Residential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines, which intersect a right-of-way, shall be a maximum of 50% opaque.
2. **Nonresidential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing is permitted on security fences at heights equal to or greater than six feet. This height requirement may be exceeded with the granting of a Conditional Use Permit (per Section 15.905.) Any fence within a street yard, including along property lines, which intersect a right-of-way, shall be a maximum of 50% opaque. See Section 15.703.
3. **Temporary Fencing:** Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.

**B. Location:** On all properties, no fence, landscape wall, or decorative post shall be located closer than 1 foot to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard. See Section 15.703.

**C. Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:

1. 4 feet when located within a required front yard or required street yard on any property;
2. 6 feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard; and
  - 2a. "4 feet when located within a required street yard on any property, except if the house is closer to the property line than required by the zoning district in which it is located, the fence may be 6 feet high and solid for that portion between the setback line and the front of the house. The fence from the front of the house to the property line shall not exceed 4 feet in height and must be 50% open."
3. 8 feet in any portion of interior side or rear yards, which are not, required yards.
4. 6 feet when located on any nonresidential zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height, up to nine feet.
5. The maximum heights listed for Sections (3)(c)1.-3., above, may be exceeded up to nine feet with the approval of a conditional use permit per Section 15.905. The following conditions (at a minimum) shall be established for such requests:
  - A. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;
  - B. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side.

- C. The fence shall be setback from the property line beyond the requirement of Subsection (3)(b), above, such distance as appropriate to contain adequate landscaping per (3)(c)4.b., above, and so as to maintain an attractive relationship to fence's external side.
- D. Orientation: Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property. (Good Side Out)
- E. Maintenance: Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner as determined by the Zoning Administrator.
- F. Swimming Pools: Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI) which is available from the City Planning Department. Yards containing non-swimming pool bodies of water shall be enclosed per the satisfaction of the Plan Commission.
- (F-1) NSPI requires a fence minimum of 48" high or a lockable dome for pools or lockable covers for spas.
- G. Signage on Fences Prohibited.

**NOTE:**

**I. PERMITS:**

Permits are required before a fence is erected, moved or replaced. You do not need a permit to repair an existing fence unless costs exceed \$400.00 (Labor and Materials Included).

**II. SURVEY:**

Although not required, it is a good idea to have a survey to show where your lot line actually is. The fence must be on your side of the lot line on your property.

**III. SECTION 26-401. RETAINING WALLS:**

Any retaining wall three (3) feet in height or greater shall be safeguarded by a fence. The fence shall be constructed and maintained in accordance with the provisions of this article except for Sections 26-395 and 26-396. Such fence, when required by this section and in conjunction with a one-family or two-family dwelling, shall be a minimum of thirty-six (36) inches in height and be provided with intermittent rails or an ornamental pattern such that an object four (4) inches in diameter cannot pass through. Such fence, when required by this section and in conjunction with any structure other than a one-family or two-family dwelling, shall be a minimum of forty-two (42) inches in height and shall be provided with intermittent rails or an ornamental pattern such that an object four (4) inches in diameter cannot pass through.

**IV. SIGHT TRIANGLE:**

Where a fence is along a garage approach or driveway, a 10' triangle is required. Measuring away from property line towards building and 10' along property line, a 10' sight triangle is created to protect passerbys or children on adjoining sidewalks, streets, and alleyways.

**NOTE:** CALL 459-4064 FOR REQUIRED SETBACKS IN YOUR ZONING DISTRICT.

**V. DEPTH OF FENCE IN GROUND:**

It is recommended that fence posts be buried into the ground 2/3 of fence height (minimum 36").

**REQUIRED FENCE INSPECTIONS:** Final - An inspection shall be made upon completion for proper height and installation requirements.